



Sen. Don Harmon

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09400SB1493sam002

LRB094 11113 RAS 44626 a

1 AMENDMENT TO SENATE BILL 1493

2 AMENDMENT NO. _____. Amend Senate Bill 1493, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The School Code is amended by changing Sections
6 2-3.25g and 5-2.1 and by adding Section 5-1b as follows:

7 (105 ILCS 5/2-3.25g) (from Ch. 122, par. 2-3.25g)
8 Sec. 2-3.25g. Waiver or modification of mandates within the
9 School Code and administrative rules and regulations.

10 (a) In this Section:

11 "Board" means a school board or the governing board or
12 administrative district, as the case may be, for a joint
13 agreement.

14 "Eligible applicant" means a school district, joint
15 agreement made up of school districts, or regional
16 superintendent of schools on behalf of schools and programs
17 operated by the regional office of education.

18 "State Board" means the State Board of Education.

19 (b) Notwithstanding any other provisions of this School
20 Code or any other law of this State to the contrary, eligible
21 applicants may petition the State Board of Education for the
22 waiver or modification of the mandates of this School Code or
23 of the administrative rules and regulations promulgated by the
24 State Board of Education. Waivers or modifications of

1 administrative rules and regulations and modifications of
2 mandates of this School Code may be requested when an eligible
3 applicant demonstrates that it can address the intent of the
4 rule or mandate in a more effective, efficient, or economical
5 manner or when necessary to stimulate innovation or improve
6 student performance. Waivers of mandates of the School Code may
7 be requested when the waivers are necessary to stimulate
8 innovation or improve student performance. Waivers may not be
9 requested from laws, rules, and regulations pertaining to
10 special education, teacher certification, ~~or~~ teacher tenure
11 and seniority, or Section 5-2.1 of this Code or from compliance
12 with the No Child Left Behind Act of 2001 (Public Law 107-110).

13 (c) Eligible applicants, as a matter of inherent managerial
14 policy, and any Independent Authority established under
15 Section 2-3.25f may submit an application for a waiver or
16 modification authorized under this Section. Each application
17 must include a written request by the eligible applicant or
18 Independent Authority and must demonstrate that the intent of
19 the mandate can be addressed in a more effective, efficient, or
20 economical manner or be based upon a specific plan for improved
21 student performance and school improvement. Any eligible
22 applicant requesting a waiver or modification for the reason
23 that intent of the mandate can be addressed in a more
24 economical manner shall include in the application a fiscal
25 analysis showing current expenditures on the mandate and
26 projected savings resulting from the waiver or modification.
27 Applications and plans developed by eligible applicants must be
28 approved by the board or regional superintendent of schools
29 applying on behalf of schools or programs operated by the
30 regional office of education following a public hearing on the
31 application and plan and the opportunity for the board or
32 regional superintendent to hear testimony from educators
33 directly involved in its implementation, parents, and
34 students. If the applicant is a school district or joint

1 agreement, the public hearing shall be held on a day other than
2 the day on which a regular meeting of the board is held. If the
3 applicant is a school district, the public hearing must be
4 preceded by at least one published notice occurring at least 7
5 days prior to the hearing in a newspaper of general circulation
6 within the school district that sets forth the time, date,
7 place, and general subject matter of the hearing. If the
8 applicant is a joint agreement or regional superintendent, the
9 public hearing must be preceded by at least one published
10 notice (setting forth the time, date, place, and general
11 subject matter of the hearing) occurring at least 7 days prior
12 to the hearing in a newspaper of general circulation in each
13 school district that is a member of the joint agreement or that
14 is served by the educational service region, provided that a
15 notice appearing in a newspaper generally circulated in more
16 than one school district shall be deemed to fulfill this
17 requirement with respect to all of the affected districts. The
18 eligible applicant must notify in writing the affected
19 exclusive collective bargaining agent and those State
20 legislators representing the eligible applicant's territory of
21 its intent to seek approval of a waiver or modification and of
22 the hearing to be held to take testimony from educators. The
23 affected exclusive collective bargaining agents shall be
24 notified of such public hearing at least 7 days prior to the
25 date of the hearing and shall be allowed to attend such public
26 hearing. The eligible applicant shall attest to compliance with
27 all of the notification and procedural requirements set forth
28 in this Section.

29 (d) A request for a waiver or modification of
30 administrative rules and regulations or for a modification of
31 mandates contained in this School Code shall be submitted to
32 the State Board of Education within 15 days after approval by
33 the board or regional superintendent of schools. The
34 application as submitted to the State Board of Education shall

1 include a description of the public hearing. Following receipt
2 of the request, the State Board shall have 45 days to review
3 the application and request. If the State Board fails to
4 disapprove the application within that 45 day period, the
5 waiver or modification shall be deemed granted. The State Board
6 may disapprove any request if it is not based upon sound
7 educational practices, endangers the health or safety of
8 students or staff, compromises equal opportunities for
9 learning, or fails to demonstrate that the intent of the rule
10 or mandate can be addressed in a more effective, efficient, or
11 economical manner or have improved student performance as a
12 primary goal. Any request disapproved by the State Board may be
13 appealed to the General Assembly by the eligible applicant as
14 outlined in this Section.

15 A request for a waiver from mandates contained in this
16 School Code shall be submitted to the State Board within 15
17 days after approval by the board or regional superintendent of
18 schools. The application as submitted to the State Board of
19 Education shall include a description of the public hearing.
20 The description shall include, but need not be limited to, the
21 means of notice, the number of people in attendance, the number
22 of people who spoke as proponents or opponents of the waiver, a
23 brief description of their comments, and whether there were any
24 written statements submitted. The State Board shall review the
25 applications and requests for completeness and shall compile
26 the requests in reports to be filed with the General Assembly.
27 The State Board shall file reports outlining the waivers
28 requested by eligible applicants and appeals by eligible
29 applicants of requests disapproved by the State Board with the
30 Senate and the House of Representatives before each May 1 and
31 October 1. The General Assembly may disapprove the report of
32 the State Board in whole or in part within 30 calendar days
33 after each house of the General Assembly next convenes after
34 the report is filed by adoption of a resolution by a record

1 vote of the majority of members elected in each house. If the
2 General Assembly fails to disapprove any waiver request or
3 appealed request within such 30 day period, the waiver or
4 modification shall be deemed granted. Any resolution adopted by
5 the General Assembly disapproving a report of the State Board
6 in whole or in part shall be binding on the State Board.

7 (e) An approved waiver or modification may remain in effect
8 for a period not to exceed 5 school years and may be renewed
9 upon application by the eligible applicant. However, such
10 waiver or modification may be changed within that 5-year period
11 by a board or regional superintendent of schools applying on
12 behalf of schools or programs operated by the regional office
13 of education following the procedure as set forth in this
14 Section for the initial waiver or modification request. If
15 neither the State Board of Education nor the General Assembly
16 disapproves, the change is deemed granted.

17 (f) On or before February 1, 1998, and each year
18 thereafter, the State Board of Education shall submit a
19 cumulative report summarizing all types of waivers of mandates
20 and modifications of mandates granted by the State Board or the
21 General Assembly. The report shall identify the topic of the
22 waiver along with the number and percentage of eligible
23 applicants for which the waiver has been granted. The report
24 shall also include any recommendations from the State Board
25 regarding the repeal or modification of waived mandates.

26 (Source: P.A. 93-470, eff. 8-8-03; 93-557, eff. 8-20-03;
27 93-707, eff. 7-9-04.)

28 (105 ILCS 5/5-1b new)

29 Sec. 5-1b. Elementary school districts. Notwithstanding
30 any other provision of this Code, the school board of any
31 elementary school district that is located in a Class II county
32 school unit and whose territory includes all or any part of the
33 territory included within a high school district that crosses

1 township boundaries may, by resolution, withdraw from the
2 jurisdiction and authority of the township treasurer and the
3 trustees of schools that currently serve the elementary school
4 district and transfer and otherwise submit to the jurisdiction
5 and authority of the township treasurer or trustees of schools
6 of another township that then serves the high school district.

7 (105 ILCS 5/5-2.1) (from Ch. 122, par. 5-2.1)

8 Sec. 5-2.1. Eligible Voters: For the purposes of this
9 Article persons who are qualified to vote in school elections
10 shall be eligible to vote for the trustees of schools who have
11 jurisdiction over the elementary school district or unit school
12 district in which the person resides.

13 If However, if the application of this Section results in
14 an elector voting for trustees of a school township in which he
15 does not reside because the elementary or unit school district
16 crosses township boundaries and has been assigned to the
17 jurisdiction of the trustees of an adjoining township, that
18 elector shall also be eligible to vote for the trustees of the
19 township within which he resides. Moreover, an elector who
20 resides in a high school district that crosses township
21 boundaries and has been assigned to the jurisdiction of the
22 trustees of an adjoining township shall be eligible to vote for
23 both the trustees of the township in which he or she resides
24 and the trustees of the township having jurisdiction over the
25 high school district in which he or she resides.

26 (Source: P.A. 85-1435.)

27 Section 99. Effective date. This Act takes effect upon
28 becoming law."